

110TH CONGRESS  
1ST SESSION

# S. 1441

To amend title 38, United States Code, to modify authorities for the Secretary of Veterans Affairs to accept new applications for grants for State home construction projects, to authorize the Secretary to award grants for construction of facilities used in non-institutional care programs, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 21, 2007

Mr. CRAIG introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to modify authorities for the Secretary of Veterans Affairs to accept new applications for grants for State home construction projects, to authorize the Secretary to award grants for construction of facilities used in non-institutional care programs, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

### 3   **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “State Veterans Home  
5   Modernization Act of 2007”.

1 **SEC. 2. MODIFICATION OF AUTHORITIES FOR CONSTRUC-**  
 2 **TION OF STATE HOMES.**

3 (a) PROHIBITION ON APPROVAL OF NEW GRANTS  
 4 FOR NEW CONSTRUCTION THAT WOULD EXPAND THE  
 5 NUMBER OF BEDS IN STATE HOMES IN A STATE.—Sec-  
 6 tion 8135 of title 38, United States Code, is amended by  
 7 adding at the end the following new subsection:

8 “(g)(1) The Secretary shall not approve any applica-  
 9 tion for financial assistance under this subchapter that is  
 10 first submitted after the date that is 730 days after the  
 11 date of the enactment of this subsection if the Secretary  
 12 determines that the construction for which the assistance  
 13 is sought would result in an increase in the total number  
 14 of beds in such State for which the Secretary makes pay-  
 15 ments under section 1741(a)(1) of this title.

16 “(2) The Secretary shall allow a State to modify an  
 17 application to meet the requirements of this subsection  
 18 and the modified application shall be treated as submitted  
 19 on the date of the original application.”.

20 (b) DISAPPROVAL OF PROJECTS THAT LACK MATCH-  
 21 ING FUNDS.—

22 (1) IN GENERAL.—Notwithstanding section  
 23 8135(c)(5) of such title, the Secretary of Veterans  
 24 Affairs shall disapprove any application for financial  
 25 assistance under subchapter III of chapter 81 of  
 26 such title that—

1 (A) was submitted under section 8135 of  
 2 such title on or before the 730th day after the  
 3 date of the enactment of this Act;

4 (B) after the date that is 730 days after  
 5 the date of the enactment of this Act—

6 (i) is on the list of approved projects  
 7 established under subsection (c)(4) of such  
 8 section; and

9 (ii) has not been accorded priority  
 10 under subsection (c)(2)(A) of such section;  
 11 and

12 (C) the Secretary determines that the con-  
 13 struction for which the assistance is sought  
 14 would result in an increase in the total number  
 15 of beds in such State for which the Secretary  
 16 makes payments under section 1741(a)(1) of  
 17 such title.

18 (2) NO NOTICE OR OPPORTUNITY FOR HEARING  
 19 REQUIRED.—Section 8135(d) of such title shall not  
 20 apply to a disapproval under paragraph (1).

21 **SEC. 3. EXPANSION OF STATE HOME GRANT PROGRAM TO**  
 22 **INCLUDE GRANTS FOR NON-INSTITUTIONAL**  
 23 **CARE PROGRAMS.**

24 (a) DEFINITIONS.—Section 8131 of title 38, United  
 25 States Code, is amended—

1 (1) in paragraph (3)—

2 (A) by striking “domiciliary or” and in-  
 3 serting “non-institutional care, domiciliary,”;  
 4 and

5 (B) by striking “provision of” and insert-  
 6 ing “provision of non-institutional care or”; and

7 (2) by adding at the end the following new  
 8 paragraph:

9 “(5) The term ‘non-institutional care’ means  
 10 care consisting of services described in paragraphs  
 11 (4), (5), and (6) of section 1710B(a) of this title.”.

12 (b) AUTHORIZATION OF GRANTS.—Section 8132 of  
 13 such title is amended to read as follows:

14 **“§ 8132. Declaration of purpose**

15 “The purpose of this subchapter is to assist the sev-  
 16 eral States in the following:

17 “(1) Constructing—

18 “(A) State home facilities (or acquiring fa-  
 19 cilities to be used as State home facilities) for  
 20 furnishing domiciliary or nursing home care to  
 21 veterans; and

22 “(B) non-institutional care facilities (or to  
 23 acquire facilities to be used as non-institutional  
 24 care facilities) for furnishing non-institutional  
 25 care to veterans.

1           “(2) Expanding, remodeling, or altering exist-  
2           ing buildings for—

3                   “(A) furnishing domiciliary, nursing home,  
4                   adult day health, or hospital care to veterans in  
5                   State homes; and

6                   “(B) furnishing non-institutional care to  
7                   veterans in non-institutional care programs.”.

8           (c) MODIFICATION OF AUTHORIZATION OF APPRO-  
9           PRIATIONS.—Section 8133(a) of such title is amended—

10                   (1) by inserting “(1)” before “There are”;

11                   (2) by designating the second sentence as para-  
12                   graph (2) and indenting the margin of such para-  
13                   graph, as so designated, two ems from the left mar-  
14                   gin;

15                   (3) in paragraph (2), as so designated by para-  
16                   graph (2) of this subsection, by striking “Sums ap-  
17                   propriated” and inserting “Subject to paragraph (3),  
18                   sums appropriated”; and

19                   (4) by adding at the end the following new  
20                   paragraph:

21                   “(3) In the case of each fiscal year beginning after  
22                   September 30, 2007, not less than 10 percent of sums  
23                   appropriated for construction under this subchapter shall  
24                   be used for making grants to States which have submitted,

1 and have had approved by the Secretary, applications for  
 2 non-institutional care projects.”.

3 (d) APPLICATIONS.—Section 8135(a) of such title is  
 4 amended—

5 (1) in the matter before paragraph (1), by in-  
 6 serting “or non-institutional care” after “State  
 7 home” both places it appears; and

8 (2) in paragraph (4), by inserting “, in the case  
 9 of a State home facility,” after “and”.

10 (e) CONFORMING AMENDMENTS.—

11 (1) Section 1741(a)(2) of such title is amended  
 12 by striking “extended care services” and inserting  
 13 “non-institutional care services”.

14 (2) Section 8136 of such title is amended by  
 15 striking “or hospital care” and inserting “hospital  
 16 care, or non-institutional care”.

17 (3) Section 8137 of such title is amended in-  
 18 serting “or non-institutional care program” after  
 19 “State home”.

20 (4) The heading at the beginning of subchapter  
 21 III of chapter 81 of such title, is amended to read  
 22 as follows:

1 “SUBCHAPTER III—FACILITIES FOR STATE  
2 HOMES AND NON-INSTITUTIONAL CARE  
3 PROGRAMS”.

4 (f) CLERICAL AMENDMENT.—The table of sections at  
5 the beginning of such chapter is amended by striking the  
6 item related to subchapter III and inserting the following  
7 new item:

“SUBCHAPTER III—FACILITIES FOR STATE HOMES AND NON-INSTITUTIONAL  
CARE PROGRAMS”.

